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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/878,581

Applicant(s)

NAKAGAWA, SUSUMU

Examiner

JAMES R. SHELEHEDA

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19, 32, 33 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 32, 33 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

On pages 16-17, applicant argues that Srinivasan only discloses a video on demand system in which ads are selected and inserted prior to sending to a user and nothing in Srinivasan shows, teaches or suggests for download distribution and packaged distribution, an image content providing apparatus only transmits the image content and does not transmit advertisement images.

In response, it is noted that Srinivasan explicitly discloses where an image content providing apparatus only transmits the image content and does not transmit advertisement images (inserting URLs instead of ads; paragraph 205). The advertisements are then received at the playback device from ad servers separate from the image content (paragraph 206). Thus, Srinivasan discloses wherein the image content providing apparatus transmits the image content and does not transmit advertisement *images*. Therefore, applicant's arguments are not convincing.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16, 19, 32, 33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Srinivasan et al. (Srinivasan) (US 2001/0023436 A1) (of record) and Zigmond et al. (Zigmond) (6,698,020) (of record).

As to claim 1, Bar-el discloses an image content providing method of providing an image content via a network from an image content providing apparatus to an image content reproducing apparatus (page 7, lines 2-19), said image content providing method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said request sent from said image content reproducing apparatus to said image content providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution and package distribution, said image content to said image content reproducing apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during transmission detecting the position of inserting the advertisement image in said image content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said advertisement image to distribute said advertisement image to said image content providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and

sending the advertisement inserting condition to the advertising image providing apparatus (page 14, line 14-page 15, line 5);

selecting said advertisement image to be inserted into said image content based on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and transmitting thereof said advertisement image selected by stream distribution to said image content providing apparatus at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing apparatus at the position of inserting said advertisement image in said image content at said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said image content providing apparatus to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of inserting an advertisement image in said image content reproducing apparatus (Fig. 6-7; page 17-18), and selecting said advertisement image to be inserted into said image content based on at least an advertisement inserting condition (page 11, line 14-page 14, line 21), inserting said advertisement image transmitted to said image content reproducing apparatus at the position of inserting said advertisement image in said image content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose transmitting

said image content via one of download distribution and package distribution, wherein for download distribution and package distribution said image content providing apparatus only transmits said image content and does not transmit advertisement images and for stream distribution said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution

times and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will transmit the content via download distribution or "package" distribution (paragraph 236) request an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus (paragraph 205-206), send said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus (paragraph 205-206), transmit said advertisement image selected by stream distribution via the network to said image content producing apparatus (paragraph 205-206) and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes (paragraph 202-204) wherein for download distribution and package distribution said image content providing apparatus only transmits said image content and does not transmit advertisement images and for stream distribution said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus (paragraph 204-206) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream

(paragraphs 198-202 and paragraph 44 and 85) while providing the viewer with more options and flexibility on how to receive and view their desired content (paragraph 236).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include disclose transmitting said image content via one of download distribution and package distribution, wherein for download distribution and package distribution said image content providing apparatus only transmits said image content and does not transmit advertisement images and for stream distribution said image content providing apparatus transmits said image content and the advertisement images transmitted thereto by an advertisement image providing apparatus, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream while providing the viewer with more options and flexibility on how to receive and view their desired content.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Srinivasan's system to include selecting an advertisement based upon a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claim 3, Bar-el, Srinivasan and Zigmond disclose wherein the position of said image content for inserting said advertisement image is detected based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an

advertisement image selecting condition for designating a category of said advertisement image capable of being inserted to said image content (column 14, lines 14-21 and column 11, lines 14-19).

As to claim 4, Bar-el, Srinivasan and Zigmond disclose wherein said advertisement inserting condition data includes an advertisement image reproducing condition for designating a maximum period of time for reproducing said advertisement image when said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 5, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 6, Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, viewer information of a viewer for utilizing said image content is transmitted to said image content providing apparatus (page 10, lines 3-20).

As to claim 7, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 8, Bar-el, Srinivasan and Zigmond disclose wherein said image content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of deputy image content distributing apparatus (page 7, lines 13-19);

wherein said main image content distributing apparatus selects one of the deputy image content distributing apparatus from said plurality of deputy image content distributing apparatus by a request of distributing said image content from said image content reproducing apparatus and said selected deputy image content distributing apparatus distributes said image content to said image content reproducing apparatus (plurality of intermediate routers and nodes present in an Internet distribution system; page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 9, Bar-el, Srinivasan and Zigmond disclose wherein said image content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and
a plurality of image content distribution splitter nodes (page 7, lines 13-19).;
wherein when said main image content distributing apparatus is requested to
distribute said image content, said main image content distributing apparatus selects
said image content distribution splitter node and distributes said image content to said
image content distribution splitter node and said image content is distributed from said
image content distribution splitter node to said image content reproducing apparatus
(plurality of intermediate routers and nodes present in an Internet distribution system;
page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 10, Bar-el discloses an image content providing method of providing
an image content via a network from an image content providing apparatus to an image
content reproducing apparatus (page 7, lines 2-19), said image content providing
method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said
request sent from said image content reproducing apparatus to said image content
providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution
and package distribution, said image content to said image content reproducing
apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during transmission detecting the position of inserting the advertisement image in said image content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said advertisement image to distribute said advertisement image to said image content providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and sending the advertisement inserting condition to the advertising image providing apparatus (page 14, line 14-page 15, line 5);

selecting said advertisement image to be inserted into said image content based on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and transmitting thereof said advertisement image selected by stream distribution to said image content providing apparatus at said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing apparatus at the position of inserting said advertisement image in said image content at said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said image content providing apparatus to said image content reproducing apparatus (Fig. 1-2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of inserting an advertisement image in said image content reproducing apparatus (Fig. 6-

7; page 17-18), and selecting said advertisement image to be inserted into said image content based on at least an advertisement inserting condition (page 11, line 14-page 14, line 21), inserting said advertisement image transmitted to said image content producing apparatus at the position of inserting said advertisement image in said image content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose transmitting said image content via one of download distribution and package distribution, wherein said image content providing apparatus only providing said image content and advertisement inserting condition and does not provide advertisement images, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing

apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, selecting said advertisement image to be inserted based upon a maximum number of distribution times and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, wherein the position of inserting the advertisement image is a position where a scene is changed.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will transmit the content via download distribution or "package" distribution (paragraph 236) request an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus (paragraph 205-206), send said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus (paragraph 205-206), transmit said advertisement image selected by stream distribution via the network to said image content producing apparatus (paragraph 205-206) and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes (paragraph 202-204), wherein the position of inserting the advertisement image is a position where a scene is changed (paragraph 14, 204) wherein said image content providing apparatus only providing said image

content and advertisement inserting condition and does not provide advertisement images (paragraph 204-206) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85) while providing the viewer with more options and flexibility on how to receive and view their desired content (paragraph 236).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include disclose transmitting said image content via one of download distribution and package distribution, wherein said image content providing apparatus only providing said image content and advertisement inserting condition and does not provide advertisement images, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said

image content reproducing apparatus when the distribution of the advertisement image finishes and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream while providing the viewer with more options and flexibility on how to receive and view their desired content.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bar-el and Srinivasan's system to include selecting an advertisement based upon a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claim 32, Bar-el, Srinivasan and Zigmond disclose wherein said image content is a moving picture (page 8, lines 11-18).

As to claims 33, while Bar-el, Srinivasan and Zigmond disclose wherein said image content is video, they fail to specifically disclose wherein said video content is one of a movie, a drama and an animation.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide movies, dramas and an animation, which were all well known and popular forms of video, for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include wherein said video content is one of a movie, a drama and an animation for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire, in an interactive video distribution system.

As to claim 12, Bar-el, Srinivasan and Zigmond disclose wherein the position of said image content for inserting said advertisement image is detected at said image content reproducing apparatus based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an advertisement image selecting condition for designating a category of said advertisement image capable of being inserted to said image content (column 14, lines 14-21 and column 11, lines 14-19).

As to claim 13, Bar-el, Srinivasan and Zigmond disclose wherein said advertisement inserting condition data includes an advertisement image reproducing condition for designating a maximum period of time for reproducing said advertisement image when said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 14, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 15, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 11, while Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

As to claim 16, Bar-el, Srinivasan and Zigmond disclose wherein said image content is provided by said image content providing apparatus by subjecting said image content to download distribution to said image content reproducing apparatus (see Srinivasan at paragraph 236).

As to claim 2, while Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for

viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

As to claim 19, see the rejection of claim 10 above.

As to claim 37, see the rejection of claim 10 and 16 above.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Srinivasan and Zigmond and further in view of Hite.

As to claim 17, while Bar-el, Srinivasan and Zigmond disclose transmitting and storing the image content to the image content reproducing apparatus prior to reproduction (see Srinivasan at paragraph 236), they fail to specifically disclose wherein said image content is provided by said image content providing means by transmitting

an information recording medium recorded with said image content to said image content reproducing apparatus.

In an analogous art, Hite discloses system for providing image content and advertisement images (column 7) where the content is provided by transmitting an information recording medium recorded with said content to said image content reproducing apparatus (column 9, lines 15-42) for the typical benefit of providing viewers with additional means to receive programming, which would reduce system bandwidth and could be provided during times that the transmission network is malfunctioning.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include wherein said image content is provided by said image content providing means by transmitting an information recording medium recorded with said image content to said image content reproducing apparatus, as taught in combination with Hite, for the typical benefit of providing viewers with additional means to receive programming, which would reduce system bandwidth and could be provided during times that the transmission network is malfunctioning.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES R SHELEHEDA/
Primary Examiner, Art Unit 2424

JS